



General Assembly

January Session, 2013

Raised Bill No. 1105

LCO No. 3615



Referred to Committee on APPROPRIATIONS

Introduced by:
(APP)

AN ACT CONCERNING A RIGHT OF RECOVERY AGAINST THIRD PARTIES FOR MEDICAL EXPENSES PAID BY STATE-PROVIDED GROUP HOSPITALIZATION AND MEDICAL AND SURGICAL INSURANCE PLANS FOR COVERED INDIVIDUALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5-259 of the general statutes is amended by adding
2 subsection (n) as follows (*Effective from passage*):

3 (NEW) (n) (1) The Comptroller may request the Attorney General to
4 bring an action in the superior court for the judicial district of Hartford
5 to recover medical expenses, including health care provider, hospital,
6 surgical or prescription drug expenses, paid for an individual covered
7 by a plan procured by the Comptroller pursuant to subsection (a) of
8 this section against a third party from whom the individual is entitled
9 to recover such expenses.

10 (2) The Attorney General may bring suit against such third party in
11 the name of the covered individual and in the Comptroller's own name
12 as subrogee. If such individual receives payment from a third party by
13 suit or settlement for any medical expenses, including health care

14 provider, hospital, surgical or prescription drug expenses, such
15 individual shall reimburse the Comptroller for the amount of such
16 expenses paid by the plan under which the individual is covered, less
17 the individual's pro rata share of the reasonable attorney's fees and
18 costs incurred by the individual in obtaining such payment from such
19 third party.

20 (3) For the purposes of this subsection, any payments made by a
21 third party to, or on behalf of, an individual covered by a plan
22 procured by the Comptroller pursuant to subsection (a) of this section
23 to pay for or reimburse medical expenses, including health care
24 provider, hospital, surgical or prescription drug expenses, shall not be
25 considered collateral sources, as defined in section 52-225b, pursuant
26 to section 52-225a and recovery of any such payments is excluded from
27 the prohibition on the recovery of collateral source benefits under
28 section 52-225c.

29 Sec. 2. Section 52-225b of the general statutes is repealed and the
30 following is substituted in lieu thereof (*Effective from passage*):

31 For purposes of sections 52-225a to 52-225c, inclusive: "Collateral
32 sources" means any payments made to the claimant, or on his behalf,
33 by or pursuant to: (1) Any health or sickness insurance, automobile
34 accident insurance that provides health benefits, and any other similar
35 insurance benefits, except life insurance benefits available to the
36 claimant, whether purchased by him or provided by others; or (2) any
37 contract or agreement of any group, organization, partnership or
38 corporation to provide, pay for or reimburse the costs of hospital,
39 medical, dental or other health care services. "Collateral sources" do
40 not include (A) amounts received by a claimant as a settlement, or (B)
41 payments made by a third party to, or on behalf of, an individual
42 covered by a plan procured by the Comptroller pursuant to subsection
43 (a) of section 5-259 to pay for or reimburse medical expenses, including
44 health care provider, hospital, surgical or prescription drug expenses,
45 for the purposes of subsection (n) of said section 5-259, as amended by

46 this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	5-259
Sec. 2	<i>from passage</i>	52-225b

Statement of Purpose:

To permit the Comptroller to recover medical expenses paid by state-provided group hospitalization and medical and surgical insurance plans for covered individuals from liable third parties.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]